IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 9198 of 2004

Between:

G.Hari Hara Kumar, S/o G.Chandan Kumar,
R/o Flat No.401, 402, Koratla Bhavan, Street No.14,
Himayatnagar, Hyderabad.

... PETITIONER

AND

1 The State of Andhra Pradesh, rep.by its Secretary, Board of
Technical Education, Nampally, Hyderabad.
2 Mahatma Gandhi Institute of Technology, Affiliated to
J.N.T.University, Gandipet, Hyderabad.
3 J.N.T.U rep. By its V.C., added as a party with the permission of the
Court

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ, declaring the action of the 2nd respondent in not issuing the Hall Ticket to the petitioner herein as illegal, arbitrary and in

violation of the Art 14 and 21 of the Constitution of India and consequentially direct the 2nd respondent to issue hall ticket to the petitioner herein forthwith.

Counsel for the Petitioner: DR.GOLLAMUDI SHYAMALA

Counsel for the Respondent No.1: G.P. for Techincal Education
For R-3: Sri.KODANDA RAM
For R-2: Sri Challa Gunarajan, Advocate.

The Court made the following:

ORDER:

When the matter was taken up for admission on 15-09-2004, none appeared for the petitioner. Hence, the matter was directed to be posted for dismissal today. Even today, when the matter was called, none represented the petitioner.

2. Heard the learned counsel for the respondents.

3. In the counter affidavit filed along with the vacate stay petition, it is categorically stated that the petitioner was only having 38% attendance as against the required percentage of attendance. A candidate must necessarily possess 75% attendance, which can be condonable to the extent of 10% by the college management. The University also will not have any power to relax the attendance as held by a Division

Bench of this court. In view of the same, petitioner cannot complain that non-issuance of the hall ticket is arbitrary and illegal. Pursuant to the interim order, petitioner appeared for the examination; and the petitioner cannot derive any benefit, as he has not fulfilled the required percentage of attendance.

The Writ Petition is accordingly dismissed. No costs.

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A. GOPAL REDDY, J

September 22, 2004
MRR

To:

1 The State of Andhra Pradesh, rep.by its Secretary, Board of Technical
Education, Nampally, Hyderabad.
2 Mahatma Gandhi Institute of Technology, Affiliated to J.N.T.University,
Gandipet, Hyderabad.
3 J.N.T.U rep. By its V.C.
4 Two C.D. Copies.
5 Two C.C.s to the G.P. for Technical Education, High Court Buildins, Hyderabad
(OUT).